

SENATE BILL 2933

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 6,
Chapter 54, Part 1, relative to intellectual property
of municipalities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated Title 6, Chapter 54, Part 1, is amended by
adding the following language as a new section:

§ 6-54-1_.

(a) Any municipality has the exclusive right to use:

(1) The full name of the municipality; and

(2) Any seal, insignia, flag, coat of arms, emblem, sign, logo or
other visual image that has been formally adopted by the municipality.

(b) A municipality may file a civil action against a party who, without the
consent of the municipality, uses:

(1) Any visual image described in subdivision (a)(2) for the
purpose of trade or commerce, to induce the sale of any goods or
services, or to promote any public exhibition, performance, competition or
similar activity; or

(2) The name of the municipality as described in subdivision
(a)(1), any visual image described in subdivision (a)(2), or any words,
combination of words or visual representation tending to cause confusion
or mistake, to deceive, or to falsely suggest a connection with or
endorsement by the municipality.

(c)

(1) In the event that the actions of any person give rise to a cause of action pursuant to subsection (b), the municipality may seek to enjoin the manufacture, use, display or sale of a protected name or image, and any court of competent jurisdiction may grant an injunction to restrain such manufacture, use, display or sale as such court may deem just and reasonable. Upon finding that a defendant has violated a municipality's exclusive rights of use pursuant to this section, the court may order that the defendant pay to such municipality all profits derived from the unauthorized manufacture, use, display or sale and all damages suffered by reason of such acts. If the court finds that the defendant's acts constitute a willful or knowing violation, or that the defendant otherwise acted in bad faith, the court, in its discretion, may enter judgment in favor of the municipality in an amount not to exceed three (3) times the amount of the defendant's profits and the municipality's damages, plus reasonable attorneys' fees.

(2) The enumeration of any right or remedy in this section shall not affect a municipality's right to prosecute an offender under any other law of this state.

(d) Any municipal mayor or mayor's designee may authorize, in writing, contributors, suppliers of goods and services, or other third parties to use the name of the municipality as described in subdivision (a)(1) or a visual image as described in subdivision (a)(2).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.